IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOSEPH C. MELFI : **Plaintiff,** : : **VS.** : : **WMC MORTGAGE CORPORATION,** : **DEUTSCHE BANK NATIONAL** : **TRUST COMPANY, N.A., as Trustee** : **of MORGAN STANLEY ABS** : **CAPITAL I, INC., Asset Backed Pass** : **Through Certificates Series 2006-WMC2:** **Under the Pooling and Servicing** : **Agreement Without Recourse,** : **WELLS FARGO BANK and DOES 1-5** : : : **Defendants** :	**C.A. 08-024ML**

MOTION TO RESCHEDULE THE PRE-TRIAL (RULE 16) CONFERENCE

Now comes the Plaintiff in the above entitled matter and respectfully requests that the court reschedule the Rule 16 conference presently set for March 26, 2008. In support of said request, the undersigned states as follows:

1. On January17, 2008, the Plaintiff filed this action against the Defendants WMC Mortgage Corporation and Morgan Stanley ABS Capital I, Inc. seeking to rescind his residential mortgage refinancing transaction of April 7, 2006.

2. On March 11, 2008, Plaintiff filed a Motion for Leave to File Amended Complaint,

*Instante*r along with a proposed amended complaint seeking to add the full and correct legal names of the entities holding ownership interest in Plaintiff's loan. This information was only recently disclosed by Defendant Wells Fargo via e-mail on February 5, 2008.

3. Adding the owner(s) of the loan is important to Plaintiff's case because 15 U.S.C. 1641 (c) provides that the consumer may rescind a mortgage loan in the hands of "any assignee."

4. It is the Plaintiff's belief that the assignees and/or trustees of his Loan mortgage transaction are both necessary and indispensable parties to this rescission action.

5. The Plaintiff's motion is timely. Especially, in view of the fact that the identity of the owner(s) of Plaintiff's loan was only recently discovered.

6. This motion will not cause any undue burden or prejudice to any defendant.

7. On March 4, 2008, the Court entered an order setting a scheduling conference for March 26, 2008.

8. Under the circumstances, and in view of the fact that the Court has not ruled on Plaintiff's motion for leave to file his amended complaint, the Plaintiff respectfully requests that the Court reschedule the pending March 26, 2008 conference. In the event of a favorable ruling from the Court on Plaintiff's motion to amend, it is respectfully suggested that a forty-five day continuance be granted so as to allow the newly added defendants reasonable time in which to be served and file any responsive pleading to this action.

WHEREFORE, the Plaintiff prays that his motion to continue the scheduling conference be granted.

Respectfully submitted,

/s/Christopher M. Lefebvre, Esq.
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DATED: March 13, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF).

Date: March 13, 2008 /s/Christopher M. Lefebvre, Esq.